APPENDIX A

Pursuant to Rule 40(3) of the Rules of this Court, the following statute, selective service regulations (in addition to those set forth in Appendix A of appellant's brief), and Department of Defense Directive are set forth:

1. Section 6(j) of the Selective Service Act of 1948 (former 50 U.S.C. App. §456(j)), 65 Stat. 83, provided in pertinent part:

> "Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the armed forces under this title, he shall be assigned to non-combatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such non-combatant service, he shall be deferred. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give

consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board."

2. 32 C.F.R. 1604.52, 1604.52a(a), 1604.54, 1604.55, 1604.57, 1604.58, 1621.15, 1622.1(c), and 1622.20(a) provide:

1604.52 *Composition and Appointment.*—(a) A local board of three or more members shall be appointed for each local board area by the President upon recommendation of the Governor.

(b) A local board of three or more members, with at least one member from each county included within the intercounty local board area, shall be appointed for each intercounty local board area by the President upon recommendation of the Governor.

(c) The members of local boards shall be citizens, male or female, of the United States who shall be residents of a county in which their local board has jurisdiction. No member of a local board shall be a member of the armed forces or any reserve component thereof. Members of local boards shall be at least 30 years of age.

(d) No member shall serve on any local board for more than twenty-five years, or after he has attained the age of seventy-five years.

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1604.52a *Panels of Local Boards.*—(a) Whenever the State Director of Selective Service determines that the work load of a local board has become too great to be handled without undue delay, he is authorized to establish panels of such local board in such number as he may determine, but not to exceed one panel for each

three local board members. The jurisdiction of each such panel shall be the same as the jurisdiction of the local board subject to the limitations contained hereafter in this section.

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1604.54 *Jurisdiction.*—The jurisdiction of each local board shall extend to all persons registered in, or subject to registration in, the area for which it was appointed. It shall have full authority to do and perform all acts within its jurisdiction authorized by the selective service law.

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1604.55 *Disqualification.*—(a) No member of a local board shall act on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employee or employer, or who is a fellow employee, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

(b) The local board shall be disqualified to consider the classification of any registrant who is a government appeal agent, associate government appeal agent, advisor to registrants, or employee of such local board and in each such case it shall advise the State Director of Selective Service of its disqualification. The State Director of Selective Service shall then designate another local board to classify such registrant, and the

registrant shall be transferred for classification to the local board thus designated.

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1604.57 *Oath of Witnesses.*—A member of the local board shall administer the following oath to every person testifying before the local board:

> You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

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1604.58 *Minutes of Meetings.*—Each local board shall keep a record of each meeting of the board on Minutes of Local Board Meeting (SSS Form 112) which shall be filed by the local board as minutes of its meetings.

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1621.15 *Subpena Power of Local Board.*—To the extent necessary for carrying out its function, the local board shall have authority (a) to subpena any person to appear before it, (b) to direct such person to produce such papers and records as may be deemed necessary, and (c) to require him to testify, under oath, in regard to any pertinent matter within his knowledge. It shall be the duty of any person subpenaed to appear, to produce the papers and records described in the subpena, and to testify. The local board shall use for the purpose a Subpena to Witnesses to Appear Before Local Board (SSS Form 161). The original of such a subpena shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over, and it shall be made in the manner provided by the law

of the State in which the subpena is served. Any person subpenaed may be compelled to appear and testify before the local board in the same manner as persons subpenaed by a court of the United States may be compelled to appear and testify in proceedings before such court. The local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed or refused to testify to appear before such local board, to produce such papers and records as may be deemed necessary, or to testify.

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1622.1 *General Principles of Classification.*—

(a) . . .

(b) . . .

(c) It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider all information, pertinent to the classification of a registrant, presented to it. The mailing by the local board of a Classification Questionnaire (SSS Form 100) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service the registrant will be classified in Class I-A.

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1622.20 *General Rules for Classification in Class II.* —(a) On the local board is placed the responsibility, under applicable rules and regulations, of deciding which men should be deferred because of their civilian activities. It is in the national interest and of paramount importance to our national security that civilian activities which are contributing to the national health, safety, or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Military Selective Service Act of 1967.

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3. Department of Defense Directive 1300.6, ¶VI B 4, provides:

"The [in-service] applicant [for discharge as a conscientious objector] will be afforded an opportunity to appear in person (with counsel retained by him, if he desires) before an officer in the grade of O-3, or higher, who is knowledgeable in policies and procedures relating to conscientious objector matters."